

FILED WITH LRC TIME: <u>9am</u> SEP 13 2019 Emily B Caudill REGULATIONS COMPILER
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1 ENERGY AND ENVIRONMENT CABINET

2 Department for Natural Resources

3 Division of Mine Permits

4 (Repealer)

5 405 KAR 26:011. Repeal of 405 KAR 26:001.

6 RELATES TO: KRS Chapter 350, 350.010, 350.020, 350.028, 350.050, 350.055, 350.057,
7 350.060, 350.062, 350.064, 350.070, 350.085, 350.090, 350.093, 350.095, 350.100, 350.110,
8 350.113, 350.130, 350.135, 350.151, 350.445, 350.450, 350.465, 350.990

9 STATUTORY AUTHORITY: KRS 350.020, 350.028, 350.050, 350.060, 350.064, 350.093,
10 350.130, 350.135, 350.151, 350.450, 350.465

11 NECESSITY, FUNCTION, AND CONFORMITY: KRS 350.028(1) provides the Energy and
12 Environment Cabinet the authority to promulgate administrative regulations. This administrative
13 regulation repeals 405 KAR 26:001. The administrative regulation was established as a way to
14 regulate less than two (2) acre permits. The authorizing provision in KRS 350.060 was repealed
15 in the 2006 Legislative Session. Therefore, operations of less than two (2) acres are no longer
16 permissible in the Commonwealth.

17 Section 1. 405 KAR 26:001, Operations of two (2) acres or less, is hereby repealed.

405 KAR 26:011 approved for filing.

9/13/2019

Date

A handwritten signature in black ink, reading "Charles G. Snavely", written over a horizontal line.

Charles G. Snavely, Secretary
Energy and Environment Cabinet

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 26, 2019 at 5:00 P.M. (Eastern Time) in Training Room C of the Energy and Environment Cabinet at 300 Sower Blvd, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through November 30, 2019. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Michael Mullins, Regulation Coordinator, 300 Sower Blvd, Frankfort, Kentucky 40601, phone: (502) 782-6720, fax: (502) 564-4245, email: michael.mullins@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation No.: 405 KAR 26:011
Contact Person: Michael Mullins

Contact number: (502) 782-6720
Email: michael.mullins@ky.gov

- (1) Provide a brief summary of:
 - (a) What this administrative regulation does: This administrative regulation repeals 405 KAR 26:001.
 - (b) The necessity of this administrative regulation: This administrative regulation is necessary in order to repeal 405 KAR 26:001. 405 KAR 26:001 contains the information related to coal mining operations of two acres or less.
 - (c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 350.028(1) authorizes the cabinet to promulgate administrative regulations pertaining to surface coal mining operations. This administrative regulation repeals the 405 KAR 26:001 which contains information related to coal operations of two acres or less.
 - (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation repeals 405 KAR 26:001. Operations of two acres or less are no longer allowed in the Commonwealth and therefore the administrative regulation is being repealed.
- (2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
 - (a) How the amendment will change this existing administrative regulation: The amendment repeals the administrative regulation pertaining to operations of two acres or less.
 - (b) The necessity of the amendment to this administrative regulation: The repeal is necessary because the information in 405 KAR 26:001 is no longer necessary.
 - (c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the statute by repealing the administrative regulation pertaining to coal operations of two acres or less.
 - (d) How the amendment will assist in the effective administration of the statutes: This amendment will repeal the requirements pertaining to coal operations of two acres or less.
- (3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The repeal of this regulation will have no impact, as coal operations of two acres or less is no longer allowed in the

Commonwealth.

- (4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
 - (a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No action will need to be taken to comply with this repealer.
 - (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There are no costs associated with this repealer.
 - (c) As a result of compliance, what benefits will accrue to the entities identified in question (3): There are no benefits associated with complying with this repealer.
- (5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
 - (a) Initially: There are no costs associated with the repeal of this administrative regulation.
 - (b) On a continuing basis: There are no costs associated with the repeal of this administrative regulation.
- (6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No funding source is required to repeal these administrative regulations.
- (7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No fees are necessary.
- (8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This repealer does not involve any fees.
- (9) TIERING: Is tiering applied? No, this is a repeal of an administrative regulation.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Administrative Regulation No.: 405 KAR 26:01-1
Contact Person: Michael Mullins

Contact number: (502) 782-6720
Email: michael.mullins@ky.gov

- (1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?
The Division of Mine Permits and the Division of Mine Reclamation and Enforcement.
- (2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 350.020, 350.028, 350.050, 350.060, 350.064, 350.093, 350.130, 350.135, 350.151, 350.450, 350.465.
- (3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.
 - (a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This repeal will not generate revenue.
 - (b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This repeal will not generate revenue.
 - (c) How much will it cost to administer this program for the first year? This repeal will not cost the agency additional funding.
 - (d) How much will it cost to administer this program for subsequent years? This repeal will not cost the agency additional funding.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):	There is no known effect on current revenues.
Expenditures (+/-):	There is no known effect on current expenditures.
Other Explanation:	There is no further explanation.